

ENTERED

September 05, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**X.D. JR, *by his mother and father as next
friends, Vanessa De Leon and Xavier
Duran,*
"Plaintiff,"

v.

TOTALLY KIDZ LEARNING CENTER,
et al.,
"Defendants."§
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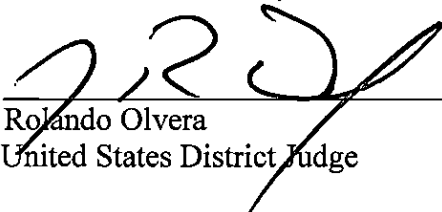
Civil Action No. 1:24-cv-00051

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the "Magistrate Judge's Report and Recommendation" ("R&R") (Dkt. No. 25). The R&R recommends this Court (1) deny Defendants' "Motion to Dismiss Plaintiff's Original Complaint" ("MTD") (Dkt. No. 15); and (2) grant Plaintiff leave to amend their complaint.

Neither party objected to the R&R. *See* Dkt. Nos. 26 & 28. When there are no objections to the magistrate's ruling, the appropriate standard of review is "clearly erroneous, abuse of discretion and contrary to law." *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R (Dkt. No. 25) is **ADOPTED**.

For these reasons, Defendants' MTD (Dkt. No. 15) is **DENIED**, and Plaintiff is **GRANTED** leave to amend their complaint. Because Plaintiff recently filed their amended complaint (Dkt. No. 29) while this order was pending,¹ the Court **ORDERS** the Clerk of the Court to docket the amended complaint as a new entry to reflect that the amended complaint is the live pleading.

Signed on this 5th day of September, 2024.

 Rolando Olvera
 United States District Judge

¹ Plaintiff's amended complaint (Dkt. No. 29) was mistakenly categorized in the docket as a "motion".